

1 4. Pursuant to Business and Professions Code section 118(b), the expiration of a
2 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
3 period within which the license may be renewed, restored, reissued, or reinstated. Under Business
4 and Professions Code section 4545, the Board may renew an expired license at any time within four
5 (4) years after the expiration.

6 5. Respondent has subjected her license to discipline under Business and
7 Professions Code sections 490 and 4521(f), in conjunction with California Code of Regulations, title
8 16, section 2578, in that Respondent has been convicted of a crime substantially related to the
9 qualifications, functions or duties of a licensed psychiatric technician, as described in Accusation No.
10 PT-2006-2107, a copy of which is attached as Exhibit "1" and incorporated by reference.

11 6. Respondent has subjected her license to discipline under Business and
12 Professions Code section 4521(a) on the grounds of unprofessional conduct, in that Respondent
13 committed acts which constitute unprofessional conduct, as described in Accusation No. PT-2006-
14 2107.

15 **DETERMINATION OF ISSUES**

16 Based on the foregoing Findings of Fact, Respondent has subjected her license to
17 discipline under Business and Professions Code sections 490, 4521(a), 4521(f) and California Code
18 of Regulations, title 16, sections 2578.

19 **LOCATION OF RECORD**

20 The record on which this Default Decision is based is located at the Sacramento
21 office of the Board of Vocational Nursing and Psychiatric Technicians.

22 **ORDER**

23 **WHEREFORE**, the Board of Vocational Nursing and Psychiatric Technicians
24 makes the following order:


25 Psychiatric Technician License No. PT 21262 authorizing Respondent to act as a
26 psychiatric technician is hereby revoked.

27 Respondent shall have the right to petition for reinstatement of the aforesaid license
28 pursuant to the provision of section 4524(a)(1) of the Business and Professions Code.

1 Respondent shall not be deprived of making any further showing by way of
2 mitigation; however, such showing must be made directly to the Board of Vocational Nursing and
3 Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to
4 the effective date of this Decision.

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6 This Default Decision shall become effective on March 29, 2009.

7 Dated and signed February 27, 2009.

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11 John P. Vertido, L.V.N.
12 President
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27 Attachments: Exhibit "1", Accusation No. PT-2006-2107 and Declaration of Service
28

Exhibit "1"
Accusation No. PT-2006-2107 and Declaration of Service

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 TERRENCE M. MASON, State Bar No. 158935
Supervising Deputy Attorney General
4 300 So. Spring Street, Suite 1702.
Los Angeles, CA 90013
5 Telephone: (213) 897-6294
Facsimile: (213) 897-2804
6
Attorneys for Complainant

7
8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. PT-2006-2107

13 TERESA DIANE ROBERTS
PO Box 1251
Arroyo Grande, CA 93420

A C C U S A T I O N

14 Psychiatric Technician License No. PT 21262

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this
20 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
21 Nursing and Psychiatric Technicians ("Bureau"), Department of Consumer Affairs.

22 2. On or about August 18, 1981, the Board of Vocational Nursing and
23 Psychiatric Technicians (now the Bureau of Vocational Nursing and Psychiatric Technicians)
24 issued Psychiatric Technician License No. PT 21262 to Teresa Diane Roberts ("Respondent").
25 The Psychiatric Technician License will expire on August 31, 2009, unless renewed.

26 3. In a disciplinary action entitled *In the Matter of the Accusation Against:*
27 *Teresa Diane Roberts*, Case No. T-1059, the Board of Vocational Nursing and Psychiatric
28 Technicians issued a decision ("Decision") effective May 14, 2003, in which Respondent's

1 Psychiatric Technician License No. PT21262, was revoked. The revocation was stayed and
2 Respondent's license was placed on probation for a period of three (3) years with certain terms
3 and conditions. A copy of the Decision in that matter is attached as "Exhibit A" and is
4 incorporated by reference.

5 JURISDICTION

6 4. This Accusation is brought before the Bureau of Vocational Nursing and
7 Psychiatric Technicians, Department of Consumer Affairs, under the authority of the
8 following laws. All section references are to the Business and Professions Code unless
9 otherwise indicated.

10 5. Code section 101.1, subdivision (b), states:

11 "(1) In the event that any board, as defined in Section 477, becomes inoperative or
12 is repealed in accordance with the act that added this section, or by subsequent acts, the
13 Department of Consumer Affairs shall succeed to and is vested with all the duties, powers,
14 purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that
15 board and its executive officer.

16 (2) Any provision of existing law that provides for the appointment of board
17 members and specifies the qualifications and tenure of board members shall not be implemented
18 and shall have no force or effect while that board is inoperative or repealed. Every reference to
19 the inoperative or repealed board, as defined in Section 477, shall be deemed to be a reference to
20 the department."

21 6. Code section 150 states: "The department is under the control of a civil
22 executive officer who is known as the Director of Consumer Affairs."

23 7. Code section 477 states:

24 "As used in this division:

25 (a) "Board" includes "bureau," "commission," "committee," "department,"
26 "division," "examining committee," "program," and "agency."

27 (b) "License" includes certificate, registration or other means to engage in a
28 business or profession regulated by this code."

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1 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
2 act shall be considered to be substantially related to the qualifications, functions or duties of a
3 licensed psychiatric technician if to a substantial degree it evidences present or potential
4 unfitness of a licensed psychiatric technician to perform the functions authorized by his license in
5 a manner consistent with the public health, safety, or welfare.”

6 13. Section 125.3 of the Code provides, in pertinent part, that a Bureau may
7 request the administrative law judge to direct a licensee found to have committed a violation or
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
9 and enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction of a Substantially Related Crime)**

12 14. Respondent is subject to disciplinary action under sections 4521 (f) and
13 490 of the Code, in conjunction with California Code of Regulations, title 16, section 2578, in
14 that Respondent has been convicted of a crime substantially related to the qualifications,
15 functions or duties of a licensed psychiatric technician, as follows:

16 a. On or about April 11, 2007, Respondent was convicted by the Court on a
17 plea of nolo contendere for violating one count of Penal Code section 415, subdivision (1)
18 (disturbing the peace), a misdemeanor, in the San Luis Obispo County Superior Court, State of
19 California, Grover Beach Branch, Case No. M000400330 entitled *The People of the State of*
20 *California v. Teresa Diane Roberts*.

21 b. The circumstances surrounding the conviction are that on or about March
22 14, 2007, Respondent was arrested by Arroyo Grande Police Department for disturbing the peace
23 for being intoxicated in public.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct)**

26 15. Respondent is subject to disciplinary action under section 4521 (a) of the
27 Code on the grounds of unprofessional conduct, in that on or about March 14, 2007, Respondent
28 committed acts which constitute unprofessional conduct as set forth above in paragraph 14,


1 subparagraphs (a) and (b) inclusive.

2 PRAYER

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein
4 alleged, and that following the hearing, the Bureau issue a decision:

- 5 1. Revoking or suspending Psychiatric Technician License No. PT21262,
6 issued to Teresa Diane Roberts;
- 7 2. Ordering Teresa Diane Roberts to pay the Bureau the reasonable costs of
8 the investigation and enforcement of this case, pursuant to Business and Professions Code
9 section 125.3, and
- 10 3. Taking such other and further action as deemed necessary and proper.
- 11

12 DATED: October 15, 2008

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14 
15 TERESA BELLO-JONES, J.D., M.S.N., R.N.

16 Executive Officer
17 Board of Vocational Nursing and Psychiatric Technicians
18 Department of Consumer Affairs
19 State of California
20 Complainant
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Exhibit A

Decision in Case No. T-1059

BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

TERESA DIANE ROBERTS
PO Box 1251
Arroyo Grande, CA 93420

Psychiatric Technician License Number
PT 21262

Respondent.

Case No. T-1059

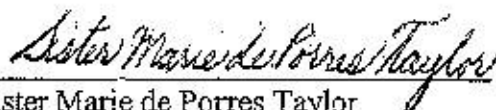
OAH No. L2002060195

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the Final Decision in the above entitled matter.

This Decision shall become effective on May 14, 2003.

IT IS SO ORDERED this 14th day of April, 2003.


Sister Marie de Porres Taylor
President

BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:)	
)	Case No. T-1059
TERESA DIANE ROBERTS)	
P.O. Box 1251)	OAH No. L2002060195
Arroyo Grande, CA 93420)	
)	
Respondent.)	
_____)	

PROPOSED DECISION

This matter was heard by Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, in San Luis Obispo, California, on December 18, 2002.

Christina M. Thomas, Deputy Attorney General, represented Teresa Bello-Jones, J.D., M.S., R.N. (Complainant).

Jay Salter, Consultant, represented Respondent.

Oral and documentary evidence, and evidence by oral stipulation on the record, was received at the hearing. The record was left open for complainant to file declaration of costs and for respondent to file a counter-declaration and/or objections to the declaration. On December 26, 2002, Complainant filed a Certification of Costs of Investigation and Prosecution by Agency Executive Officer, which document has been marked for identification as Exhibit 4. On January 22, 2003, respondent filed objections to the award of costs in this matter, which document has been marked as Exhibit B. Exhibit 4 has been received into evidence and respondent's objections have been considered.

The matter was submitted for decision on January 22, 2003. The Administrative Law Judge makes the following factual findings:

FACTUAL FINDINGS

1. Complainant filed the Accusation in her official capacity as Executive Officer, Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs ("Board").

2. The Board issued psychiatric technician license number PT 21262 to respondent on August 18, 1981. The license, which has not been disciplined, expires on August 31, 2003.

3. On September 30, 1999, in the Superior Court, San Luis Obispo County, respondent was convicted, on her plea of guilty, of violating Vehicle Code section 23152(a) (driving under the influence of alcohol). The conviction resulted from respondent's driving under the influence of alcoholic beverages on September 5, 1999.

4. In driving under the influence of alcoholic beverages on September 5, 1999, respondent acted in a manner injurious to herself and to members of the public.

5. a. On December 12, 2000, in the Superior Court, San Luis Obispo County, in case number M000303948, respondent was convicted, on her plea of no contest, of violating Vehicle Code sections 23103(a)/23103.5 (reckless driving) and Vehicle Code section 14601(a) (driving while privilege suspended). The Court suspended imposition of sentence and placed respondent on probation for eighteen months on terms and conditions that included service of 20 days in county jail, payment of a \$1,730 in fines, attendance to driving offender classes, and submission to random substance testing.

b. The circumstances surrounding the conviction are as follows. At a time her driver's license was suspended, respondent drove to a pizza parlor and had a glass of wine with her meal.

6. The convictions set forth in factual finding numbers 3 and 4 are substantially related to the duties, qualifications, and functions of a psychiatric technician.

7. Respondent was remorseful regarding the conduct that led to her conviction. She was also very candid and forthright regarding the circumstances surrounding the convictions and her substance abuse.¹

8. Respondent moved into the Arroyo Grande area in October 1997, after losing her home in Laguna Beach, California. In leaving Laguna Beach she had to quit a ten-year job she enjoyed. In November 1997, her husband suffered massive congestive heart and renal failure, which required continued care and repeated hospitalizations. Respondent devoted her non-working time to the constant care of her husband. As his condition deteriorated his dependence on respondent increased. He passed away on March 21, 2000.

¹ She disclosed an additional driving under the influence arrest in January 2001, which was not charged in the accusation as cause for discipline. The matter led to a conviction and is further discussed in factual finding number 15.

9. Respondent started working at Atascadero State Hospital ("ASH") in December 1997.

10. The stress of her husband's condition and of her taking care of him took a toll on respondent. She turned to alcohol for relief. Her abuse increased as his conditioned worsened. Her own health deteriorated, as she became depressed. She described her problem as out of control at the time of the September 1999 arrest.

11. Also in September 1999, while suffering from continuing anxiety, depression, and lack of sleep, respondent decided to treat her symptoms on her own. Without prescription or authorization, respondent took from ASH supplies ten tablets of Trazodone, ten tablets of Prozac, ten tablets of Levothroid, and three 600mg tablets of Ibuprofen, which medications are all dangerous drugs within the meaning of Business and Professions Code² section 4022(c) in that they require lawful prescriptions.

12. Her employer learned of the theft and suspended respondent for six months

13. As required by the Superior Court, respondent completed the driving under the influence first offender educational program and attended Alcoholic Anonymous ("AA") meetings.

14. In November 1999 respondent started treatment with a psychiatrist, Richard C.H. Bell, M.D. In a letter dated January 10, 2000, Dr. Bell reports his diagnoses of Posttraumatic Stress Disorder, Major Depressive Disorder, and Dysthymic Disorder, Early Onset. He opined respondent's condition was caused by the inordinate stress she was facing. He further opined that respondent was operating under conditions of diminished capacity when she took medications from the hospital. He stated:

"She was sleep-deprived and physically and emotionally stressed, attempting to carry out a heavy workload made even more burdensome by the added load of a backlog of her own and a coworker's, all while attempting to care for her terminally ill husband who had just come home from another of his multiple hospitalizations and in need of round-the-clock care. Her judgement became significantly impaired, to the point that she overstepped the rules, in an attempt simply to get some sleep so she could continue to carry out her burdensome responsibilities at work and at home."

² All further references are to the Business and Professions Code.

15. Dr. Bell referred respondent to a therapist, Theresa Winters, M.A., M.F.C.C. ("Winters"). Respondent participated in regular therapy with Winters from December 1999 until early 2001. In a letter dated December 18, 2000, Winters wrote that respondent continued to grow and make improvements as a result of therapy.

16. After the first conviction (in 1999), respondent had reduced her consumption of alcohol but not completely eliminated it, as she was still dealing with her husband's illness. In January 2001, respondent went on a self-described "binge" following the death of her brother. During this episode she hit another vehicle --a "fender bender." This led to the last conviction and prompted drastic action to control the addiction.

17. On January 26, 2001, respondent entered the Santa Barbara Cottage Hospital detoxification program. She was successfully discharged on January 30, 2001. The course of treatment included counseling and plans for further treatment.

18. The first post-detoxification step was a residential treatment program. Respondent entered Casa Serena on March 4, 2001, where she completed an intensive 90-day program. On June 4, 2001, respondent moved to a transitional living home, a step designed to prepare participants to return to life in the community. The treatment plan at Casa Serena included counseling, volunteer work in the community, and random drug and alcohol testing. Respondent has since moved back into the community.

19. Casa Serena Program Manager Linda McEnroe wrote that respondent understood and applied the principles of the 12-Step AA program. Two other staff members at Casa Serena and respondent's sponsor in the program wrote letters attesting to respondent's completion of the program and to her commitment to continued sober living.

20. Respondent continues to attend weekly AA meetings. She is now working on Step 4. Her sobriety date is January 26, 2001.

21. Respondent is complying with the terms and conditions of probation. She completed a second driving under the influence program. She is paying the court-ordered fines in monthly \$75 installments (the outstanding balance is \$1,355). Random drug and alcohol tests, the most recent in November 2002, have been negative.

22. Respondent's mother passed away in November 2001, a tragedy she handled without resorting to alcoholic beverages. She is now committed to sobriety. Respondent has gained insight and coping tools through her participation in the Santa Barbara Cottage Hospital and in the Casa Serena programs. She has a support network and regular reinforcement at the AA meetings.

23. Respondent started working at Atascadero State Hospital ("ASH") in December 1997. Despite her stress at home and her alcohol abuse, respondent has managed to discharge her work duties in a competent manner. Her last evaluation, dated October 15, 2002, reveals that respondent fully meets the critical elements of her position, consistently exceeding the expected standards with respect to approximately half of the pertinent elements. She has not used or been under the influence of alcoholic beverages at work.

24. Respondent's immediate supervisor, Allan Joackim, R.N., testified at the hearing on her behalf. He worked with respondent for one year before becoming her supervisor in January 2002. He is aware of respondent's adverse employment action and of her past substance abuse problems; respondent has also discussed her continuing sobriety efforts. He has never suspected respondent of being under the influence of alcohol or any other substance at work. Despite the adverse employment action involving medications, respondent has no restrictions in her handling of medications; she discharges these responsibilities appropriately and he trusts her in the handling of medications. In his opinion, respondent has demonstrated her competence and reliability and he has no hesitation about continuing to work with her.

25. The following are the Board's costs of investigation and prosecution in this matter: Deputy Attorney General charges in the amount of \$2,520; paralegal charges in the amount of \$463.75; and Division of Investigation costs in the amount of \$1,843.75. The total costs are, therefore, \$4,843.75.

26. Respondent's gross monthly pay is \$3,534.68 and her net pay is \$2,728.52. Her monthly housing expense (mortgage and taxes) is \$925.98. She is still paying court fines and driving under the influence class fees in the amount of \$175 per month. She pays \$100 per month for a coworker to drive her to work. She is eligible to receive her driver's license in March 2003, but she will have to purchase equipment to keep the vehicle from starting if alcohol is detected in her breath (\$200 per month). Automobile insurance is expected to cost in excess of \$250 per month.

27. Except as set forth in this Decision, all other allegations in the Accusation lack merit or to constitute surplusage.

LEGAL CONCLUSIONS

1. Grounds exist to suspend or revoke respondent's license pursuant to Business and Professions sections 490 and 4521(f) in that she was convicted of crimes substantially related to the qualifications, functions, and duties of a psychiatric technician, by reason of factual finding numbers 3, 5 and 6.

2. Grounds exist to suspend or revoke respondent's license pursuant to section 4521(a)(5) in that on September 5, 1999, she used alcoholic beverages to such an extent and in a manner dangerous or injurious to herself and others, by reason of factual finding numbers 3 and 4.

3. Grounds exist to suspend or revoke respondent's license pursuant to section 4521(m) in that she committed a dishonest act by taking, without permission, ASH medications, by reason of factual finding number 11.

4. Grounds exist to suspend or revoke respondent's license pursuant to section 4521(a)(4) in that she self-prescribed dangerous drugs, by reason of factual finding number 11.

5. Grounds exist to suspend or revoke respondent's license pursuant to section 4521(a) in that she engaged in unprofessional conduct, by reason of factual finding numbers 3, 4, 5, 6, and 11 and legal conclusion numbers 1 through 4.

6. All evidence presented in mitigation and rehabilitation has been considered. This evidence establishes that respondent resorted to alcohol abuse under significant stress. She has undergone treatment for her addiction and, as a result, has the understanding, tools, and commitment to avoid turning to alcohol to relieve stress. Despite her significant problems with alcoholic beverages, respondent managed to perform her work in a competent manner. Her present performance is above-average and her supervisor fully trusts her. Taking the medications from ASH for her own use was an isolated instance while under extreme stress, a circumstance even her employer recognizes is unlikely to be repeated. Nevertheless, in light of the seriousness of the past problem and the relatively short record of sobriety, a period of Board monitoring is appropriate. The order that follows is appropriate and necessary for the protection of the public.

7. Cause exists pursuant to section 125.3 to order respondent to pay the Board's costs of investigation and adjudication in this matter, by reason of factual finding numbers 3, 4, 5, 6, and 11 and legal conclusion numbers 1 through 5.

In Zuckerman v. State Board of Chiropractic Examiners, 29 Cal.4th 32 (2002), the Supreme Court rejected a constitutional challenge to a cost regulation similar to section 125.3. In so doing, however, the Court directed the administrative law judge and the agency to evaluate several factors to ensure that the cost provision did not deter individuals from exercising their right to a hearing. Thus, the board must not assess the full costs where it would unfairly penalize the respondent who has committed some misconduct, but who has used the hearing process to obtain the dismissal of some charges or a reduction in the severity of the penalty; the board must consider a respondent's subjective good faith belief in the merits of his or her position and whether the respondent has raised a colorable challenge; the board must consider a respondent's ability to pay; and the board may not assess disproportionately large investigation and prosecution costs when it has conducted a disproportionately large

investigation to prove that a respondent engaged in relatively innocuous misconduct. Zuckerman, supra at 45.

In this case, after giving due consideration to respondent's ability to pay, the actual costs will be reduced in half (to \$2,420) and she will be allowed to make monthly payments of \$67.27 during the period of probation.

By reason of the foregoing, the reasonable costs of investigation are \$2,420.

ORDER

Psychiatric Technician License number PT 21262, issued to respondent Teresa Diane Roberts, is revoked; however, the revocation is stayed for three (3) years on the following terms and conditions:

1. OBEY ALL LAWS.

Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law to the Board within five (5) days of occurrence. To ensure compliance with this term, respondent shall submit two (2) completed fingerprint cards and the applicable fingerprint processing fees to the Board within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprint cards were already submitted by the Respondent as part of his/her licensure application process effective July 1, 1996. Respondent shall also submit a recent 2" x 2" photograph of himself/herself within thirty (30) days of the effective date of the decision.

2. COMPLIANCE WITH PROBATION PROGRAM AND QUARTERLY REPORT REQUIREMENTS.

Respondent shall fully comply with terms and conditions of the probation established by the Board and shall cooperate with the representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Probation Program.

Respondent shall submit quarterly reports, under penalty of perjury, in a form required by the Board. The reports shall certify and document compliance with all the conditions of probation.

3. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S).

Respondent shall notify the Board, in writing, within five (5) days of a change of residence or mailing address, of his/her new address and any change in his/her work and/or home telephone numbers.

4. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE.

Respondent shall notify the Board, in writing, within five (5) days, if she leaves California to reside or practice in another state. Respondent shall notify the Board, in writing, within five (5) days upon her return to California. The period of probation shall not run during the period Respondent is residing or practicing outside California.

5. NOTIFICATION TO EMPLOYER(S).

When currently employed or applying for employment in any capacity in any health care profession, respondent shall notify her employer of the probationary status of respondent's license. This notification to respondent's current health care employer shall occur no later than the effective date of the Decision. Respondent shall notify any prospective health care employer of her probationary status with the Board prior to accepting such employment. This notification shall be by providing the employer or prospective employer with a copy of the Board's Decision.

The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical health care positions.

Respondent shall cause each health care employer to submit quarterly reports to the Board. The reports shall be on a form provided by the Board, shall include a performance evaluation and such other information as may be required by the Board.

Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, if she is terminated from any nursing or health care related employment with a full explanation of the circumstances surrounding the termination.

6. INTERVIEWS/MEETINGS WITH BOARD REPRESENTATIVE(S).

Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board, or its designated representatives.

7. EMPLOYMENT REQUIREMENTS AND LIMITATIONS.

During probation, respondent shall work in her licensed capacity in the State of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

While on probation, respondent shall not work for a nurses' registry or in any private duty position, a temporary nurse placement agency, as a faculty member in an accredited or approved school of nursing, or as an instructor in a Board approved continuing education course except as approved, in writing, by the Board. Respondent shall work only on a regularly assigned, identified and predetermined work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

8. SUPERVISION REQUIREMENTS.

Respondent shall obtain prior approval from the Board, before commencing any employment, regarding the level of supervision provided to the respondent while employed as a licensed vocational nurse or psychiatric technician.

Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

9. COMPLETION OF EDUCATIONAL COURSE(S).

Respondent, at her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation; or the Respondent shall be suspended from practice, until he or she has enrolled in and has successfully completed the specified coursework.

The coursework shall be in addition to that required for license renewal. The Board shall notify the Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, Respondent shall cause the instructor to furnish proof to the Board within thirty (30) days of course completion.

10. MAINTENANCE OF VALID LICENSE.

Respondent shall, at all times while on probation, maintain an active current license with the Board, including any period during which suspension or probation is tolled.

Should respondent's license, by operation of law or otherwise, expire, upon renewal or reinstatement respondent's license shall be subject to any and all terms of this probation not previously satisfied.

11. SUBSTANCE ABUSE TREATMENT.

The Board may order respondent, as a term of probation, to undergo treatment for chemical dependency or alcohol abuse should facts or circumstances justifying such an order arise during respondent's period of probation.

12. ATTENDANCE AT CHEMICAL DEPENDENCY SUPPORT/RECOVERY GROUPS.

Respondent shall continue to attend AA meetings during the period of probation unless the Board authorizes an earlier termination. Documentation of attendance shall be submitted by the respondent with each quarterly report.

13. ABSTAIN FROM CONTROLLED SUBSTANCES.

Respondent shall completely abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defines in section 4211 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness.

14. ABSTAIN FROM USE OF ALCOHOL.

Respondent shall completely abstain from the use of alcoholic beverages during the period of probation.

15. SUBMIT BIOLOGICAL FLUID SAMPLES.

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and the respondent's current employer.

16. COST RECOVERY.


Respondent shall reimburse the Board for its costs of investigation and adjudication in this matter, in the amount of \$67.27 per month, during the period of probation.

17. VIOLATION OF PROBATION.

If respondent violates the conditions of her probation, the Board after giving the Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of respondent's license. If during the period of probation,

an accusation or petition to revoke has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, respondent's license will be fully restored.

DATED: 4/30/03


SAMUEL D. REYES
Administrative Law Judge
Office of Administrative Hearings

**DECLARATION OF SERVICE BY CERTIFIED MAIL
AND
DECLARATION OF SERVICE BY FIRST CLASS MAIL**

Case Name: In the Matter of the Accusation Against:
Teresa Diane Roberts

Case No.: VN-2006-2107

I declare:

I am employed in the County of Sacramento, California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833-2945.

On October 15, 2008, I served the attached:

STATEMENT TO RESPONDENT, ACCUSATION REQUEST FOR DISCOVERY
NOTICE OF DEFENSE (2 COPIES), AND COPY OF GOVERNMENT CODE SECTIONS
11507.5, 11507.6 AND 11507.7.

in said cause, by placing a true copy thereof enclosed in two separate sealed envelopes with postage thereon fully prepaid by Certified Mail and First Class Mail, in the United States mail at Sacramento, California, addressed as follows:

NAME/ADDRESS

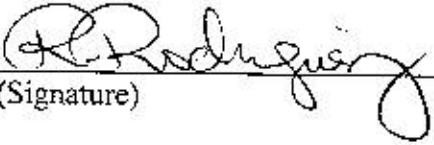
CERTIFIED MAIL NUMBER

Teresa Diane Roberts
P.O. Box 1251
Arroyo Grande, CA 93420

7007 2680 0000 3859 2283

I declare under penalty of perjury the foregoing is true and correct, and that this declaration was executed at Sacramento, California on October 15, 2008.

Rogina Rodriguez
(Typed Name)


(Signature)

cc: Terrence M. Mason, Supervising Deputy Attorney General